

Ruan et al.  
Appl. No. 09/902,883

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 9, 11, 14, and 15 are sought to be amended. Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with 1 and 14 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Oath/Declaration***

The Examiner has objected to the Declaration filed October 12, 2001, as not having a citizenship for some of the inventors. A new Declaration is being prepared and will be submitted when executed.

### ***Claims Objections***

The Examiner has objected to claims 9 and 11. Applicants have amended these claims in compliance with the Examiner's instructions, as shown above. Therefore, the Applicants respectfully request that the Examiner reconsider and withdraw the objection.

### ***Claims rejections under 102(e) and 103(a)***

Claims 1, 2, 8, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No 2002/0,164,113 to Rensing et al. ("Rensing"). Claim 9 stands rejected under 35 U.S.C. § 103(a) ("103") as being unpatentable over Rensing. Claims 3-7, 10, 11, and 13-20 stand rejected under 103 as being unpatentable over Rensing in view of U.S. Patent No. 5,945,898 to Judy et al. ("Judy").

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The present application is a continuation-in-part of 09/563,595 ("the '595 Application") (now U.S. Patent No. 6,496,612) filed May 3, 2000. Support is found for the pending claims in at least FIG. 11 and related text of the '595 Application. Thus, the present application's effective filing date is at least May 3, 2000. This effective filing date is clearly before the effective filing date of Rensing, which is March 5, 2001. Therefore, Rensing is not an appropriate reference against the present application's pending claims.

Claims 1 recites at least "a channel located between said optical input and said optical output confining said optical signals to a predetermined path" and claim 14 recites at least "conducting an optical signal through channels that confine said optical signal to predetermined paths." In contrast, Judy teaches of light being reflected by switches through a system that does not have any predetermined paths and/or channels (see FIG. 4 and related text at col. 5). Accordingly, Judy fails to anticipate or render obvious claims 1 and 14. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above-noted rejections. Also, based at least on their dependency from claims 1 and 14, claims 2-13 and 15-20 should be found allowable over the cited references.

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### *Conclusion*

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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**Version with markings to show changes made**

***In the specification***

The paragraph spanning lines 14-19 of page 1 has been replaced with the following paragraph.

This application is a continuation-in-part of United States Patent Application Serial No. 09/563,595 filed May 3, 2000 (now U.S. Patent No. 6,496,612 that issued December 17, 2002), which is a continuation-in-part of United States Patent Application Serial No. 09/496,446 filed February 2, 2000 (now U.S. Patent No. 6,469,602 that issued October 22, 2002), which claims priority of United States Provisional Application Serial No. 60/155,757, filed September 23, 1999. This Application also claims priority of United States Provisional Patent Application Serial No. 60.217,265 filed July 11, 2000.

***In the claims***

Pending claims 9, 11, 14, and 15 have been replaced with new claims 9, 11, 14, and 15 as follows.

9. (Amended) The device of claim 8 wherein said reflective [material] wall comprises one of the group consisting of aluminum, gold, silver and chromium.

11. (Amended) The device of claim 10 wherein said reflective [material] wall comprises one of the group consisting of aluminum, gold, silver and chromium.

14. (Amended) A method [of switching an optical signal between a first output and a second output, the method] comprising [the steps of]:

[providing] forming a reflective portion on a switching element comprising a cantilever [having a reflective portion];

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conducting an optical signal through channels that confine said optical signal to predetermined paths; and

switching said cantilever such that said reflective portion is placed in the path of said optical signal when said optical signal is desired at [said] a first output on a first one of the predetermined paths, and such that said reflective portion is placed out of the path of said optical signal when said optical signal is desired at [said] a second output on a second one of said predetermined paths.

15. (Amended) The method of claim 14 [further comprising the step of conducting said optical signal through a channel,] wherein said channels comprise[s] a reflective wall.